

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

UNITED STATES OF AMERICA

VS.

AVERY ANDRESS MASON



1:22-MJ-00235-DH

## ORDER OF DETENTION PENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I have considered the evidence and proffers presented during the hearing, the pleadings on file, the recommendation of Pretrial Services, and the four factors set out in the Bail Reform Act, 18 U.S.C. § 3142(g). In light of all of this, I find that the record establishes by clear and convincing evidence that that no condition or combination of conditions will reasonably assure the safety of any other person.

The reasons for my decision include, in particular:

- the nature and circumstances of the offense charged, namely, Defendant Avery Mason's possession of multiple firearms, including a machine gun, after having previously been convicted of a felony, in violation of 18 U.S.C. §§ 922(g)(1) and (o);
- the weight of the evidence against the person, in particular, Mason's admission to law enforcement that the three firearms seized from his house were his, video and photographic evidence of Mason with the seized firearms, testimony regarding modifications made to the Glock pistol possessed by Mason that rendered the firearm capable of automatic firing;

- the history and characteristics of the person, including Mason's history of multiple firearm-related convictions (including a prior conviction for unlawful possession of firearm by a felon), and his history of violating the terms of his probation; and
- the nature and seriousness of the danger to any person or the community that would be posed by the person's release, particularly (in addition to the facts cited above), evidence that each of the three firearms seized from his home were loaded and that one had a round in the chamber ready to fire, and video evidence of Mason brandishing a firearm in a public place.

This record establishes by clear and convincing evidence that that no condition or combination of conditions will reasonably assure the safety of any other person.

**DIRECTIONS REGARDING DETENTION**

Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SIGNED March 17, 2022.



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DUSTIN M. HOWELL  
UNITED STATES MAGISTRATGE JUDGE